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Original
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 MAR 18 2008
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 1495

1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

2 Name Struage Cedric Lynn
 3 (Last) (First) (Initial)

4 Prisoner Number C-28615

5 Institutional Address P.O. Box 1050 07-116 Salinas Valley
 6 State prison, Soledad, Cal. 93960-1050

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 Cedric Lynn Struage
 (Enter the full name of plaintiff in this action.)

CV

08

1495

10 Case No. _____
 11 (To be provided by the Clerk of Court)

MMC

12 COMPLAINT UNDER THE
 13 CIVIL RIGHTS ACT,
 14 Title 42 U.S.C § 1983

(PR)

15 vs.
 16 mike Evans, warden, Obudsman
 office, Matthew Thomas, Captain
 G. Ponder, LT. J. Stevenson, LT. E.
 moore, Sgt. M. Nilsson, Lt. J.
 Cel 1949, %o J. Rodriguez, %o R.
 Reynolds, %o T. Woolf, %o E. Camarena
 %o O. Reynolds, %o T. Sheets, LVN H.
 Sanchez, E. Medina, CC - II Appeals,
 (Enter the full name of the defendant(s) in this action)
 Also - %o R. Basso.

17 *[All questions on this complaint form must be answered in order for your action to proceed.]*

18 I. Exhaustion of Administrative Remedies.

19 [Note: You must exhaust your administrative remedies before your claim can go
 forward. The court will dismiss any unexhausted claims.]

20 A. Place of present confinement Salinas Valley State prison

21 B. Is there a grievance procedure in this institution?

22 YES () NO ()

23 C. Did you present the facts in your complaint for review through the grievance
 24 procedure?

25 YES () NO ()

26 D. If your answer is YES, list the appeal number and the date and result of the
 27 appeal at each level of review. If you did not pursue a certain level of appeal,
 28 explain why. SEE ATTACHED PAGE A, OF 1A

A.
of IRfrom QD of first page

- (1) To the Warden office (rejected). 7-23-06
- (2) Obudsman office (rejected). 8-1-06
- (3) To Appeals Coordinator E. Medina
based on threat of S.H.O. E. moore
S.V.S.P. C Log No 07-00235 12-2-06
(No results)
- (4) To Appeals Coordinator COC 602 1-31-07
regarding S.H.O. E. moore, and the Vi-
lations of Sat. M. Nilsson et.al. (No results)
- (5) To Appeals Coordinator COC 602
S.V.S.P. C Log No# 07-01367 7. Stating
Screen out form 4-18-07 Time Constraints 2-27-07
- (6) Letter of Complaint to M. Evans (Warden) 3-26-07
- (7) To Appeals Coordinator COC 602 and
Complaint form, on retaliation, re-writt-
en in ink on 4-22-07 S.V.S.P.d 07-01913.
(1) informal LEVEL Bu-Oass, ^{first} Second Level
Denied June 4, 2007. Second Level partially
granted July 17, 2007, third level Denied
Jan 24, 2008.

Noted I have other Screen out forms
that E. Medina requested or he wrote
incomplete 602... Also:

Prior to this case plaintiff filed an appeal
for his brother based on his out-going mail
was never mailed out. Sgt. M. Nilsson were the
investigator.

Date 3-19-08

C-28615
Cedric Struqgs
 Cedric Struqgs

1 1. Informal appeal plaintiff states on 7-23-06 he submitted
2 a COC 602 Appeals form, with a Complaint COC
3 1858 form to the Warden (See attached Sheets) 1+2.

4 2. First formal level _____
5 _____
6 _____
7 3. Second formal level _____
8 _____
9 _____
10 4. Third formal level _____
11 _____
12 _____

13 E. Is the last level to which you appealed the highest level of appeal available to
14 you?

15 YES () NO ()

16 F. If you did not present your claim for review through the grievance procedure,
17 explain why. CC-11 E. Medina (Appeals Coordinator) constantly
18 screened out COC 602 atleast Six times, but
19 finally allowed the last one in on (retaliation).

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,
22 if any.

23 Cedric Lynn Struggs C-28615

24 P.O. Box 1050 D7-116

25 Soledad, Cal. 93960-1050 S.V.S.P.

26 B. Write the full name of each defendant, his or her official position, and his or her
27 place of employment.

28 Mike Evans, Warden of S.V.S.P., Matthew Thomas Gloud-
men at S.V.S.P., Captain G. Ponder C-4 yard S.V.S.P. See page
-B-
of 2B

Additional page of Question one (page 2).

office. that 602 and Complaint was returned saying to submit Appeals to the S.N.S.P. inmate Appeals office, and not directly to the Warden.

Then plaintiff addressed this matter with CDC 602 and Complaint form on 8-1-06 to the Ombudsman office. approximately 8-12-06 while still in Ad-Seq D2-105. plaintiff was pulled out his cell for an interview. I express my concerns as to why me and my Brother needs this case investigated. the interviewer stated that he can touch this case based on I am saying that officer's put drugs in my cell without any proof. I informed him my proof is that me nor my brother had drugs in our cell. So before leaving I had the interviewer sign his name on the Envelope that I sent to his office.

plaintiff later filed CDC 602 on 12-2-06, regarding S.H.O. E. moore Verbal threats with O.C. Spray. and LT. E. moore Violation of Disciplinary procedures....

On 12-11-06 CC-11 Elou Medina sent me a Screen out form CCCR 695 Stating: incomplete 602 and asking what was the threat. On 1-14-07 plaintiff inform E. medina what was said and the threat itself.

On 1-25-07 E. Medina cc-11 forward plaintiff another CCCR 695 Screen out form stating: your appeal was not accepted by hiring Authority as Staff Complaint. Also - To Appeal an RVR, you need to attach a Complete final Copy w/all Attachments and note due process/procedural violations. On 1-31-07 plaintiff again send/sent all requested document(s) also sent a copy to: State personnel Board Merit Appeals office.

See page 2

Date 3-19-08

C-28615
Cedric Straggs
Cedric Straggs

page 8 of additional page of Question one.

-2
On 2-1-07 E. medina again Sent plaintiff COCR 695 Screen out form Stating: Allegations of Staff Misconduct must be separate from RVR Appeals. Also- You're refused to attend hearing, you are attempting to present defense to charged in your Appeal. The purpose ofAppealing process is not to reheat RVR.

plaintiff again Sent E. medina all requested documents, and on 2-27-07 again I Sent E. medina Everything he asked for. On 3-27-07 E. medina Sent plaintiff COCR 695 Screen - out form Stating: Time Constraints Not met, date of Alleged incident 6-11-06 date of Appeal 3-27-07. 4-18-07 time Constraints not met.

On March 26, 2007 plaintiff addressed a Letter of Complaint to: Mike Evans (Warden), informing him of the situation in regards to plaintiffs Many attempts to have this matter resolved at this 602 level.,

On April 3, 2007 S.H.O. Lt. E. moore ordered plaintiff to be placed in Administrative Segregation.,

On April 3, 2007 plaintiff filed cdc 602 form, based on Lt. E. moore removed plaintiff from C-hurd for filing Letter of Complaint to Warden..., that appeal was screened out because it was not written in ink.

On April 22, 2007 plaintiff received E. Medina request, and re-written 602 in ink. NOTED this cdc 602 is the (only) 602 that ~~have~~ a first, Second & third level Appeal response, and this matter coincide with(all) the appeals E. medina screened out.

Date 3-19-08

C-28615
Cedric Struqgs
Cedric Struqgs

OF 2B

See Page "B" hereto attached.

III. Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

At 8:30 hours A.M.
On June 11, 2006 8:30 a.m. Nilsson set in motion a Cell Search upon plaintiff and his Brother Cell. % J. Rodriguez, % R. Reymoso, % T. Wolf, % E. Camarena approached my door aggressively, Open Food Slot and begin Spraying O.C. plaintiff had a bag of prison made wine that wasted all in front of my toilet and the cell door. After being sprayed with three cans of O.C. both inmates Cuffed up. me myself were escorted to C-Hold, Holding Case by % J. Rodriguez and % E. Camarena, approximately two and a half hours later LVN H. Sanchez completed the 7219 medical report. about 1:30 P.M. % Smether and % Washington inventory my property See additional sheet 3A. of 3 pages.

IV. Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

prosecute all wrongdoers, lost of Employment of three defendant(s), House petitioner in federal prison. Dismiss all Charges founded

B
gab

from page "a" of Complaint # 2B Question

LT. J. Stevenson D1-Ad-Sea D-yard S.V.S.P.,

LT. E. moore C-yard S.V.S.P.

LT. J. Celaua C-yard S.V.S.P.

Sgt. m. Nilsson C-yard S.V.S.P.

C/O J. Rodriguez C-yard S.V.S.P.

C/O R. Reynoso C-yard S.V.S.P.

C/O T. Woolf C-yard S.V.S.P.

C/O E. Camarena (Transferred out of S.V.S.P.).

% O. Reunoso C-yard S.V.S.P.

% T. Sheets C-yard S.V.S.P.

LVN H. Sanchez Employeed at S.V.S.P.

CC-11 Eloy Medina Appeals Coordinator S.V.S.P.

Date 3-19-08

Cedric Struggs C-28615
Cedric Struggs

Additional Sheet 3A of page one

and had me sign property form. While my brother signed his, % J. Rodriguez and % E. Camarena walked in informing % Smether and % Washington that they had it from here. (Noted: me and my brother requested decontamination again and was told No). asking % Smether and % Washington where are the Jewelry at, all four officers left, and about 10 minutes later % J. Rodriguez and % E. Camarena returned saying you all have to send this Jewelry home so sign this form alone with address. Addition to that I had Tennis, Photos and books sending home with ring + Cross. A few minutes later me and brother were escorted to AD Administrative Segregation unit around 2:20 P.M. (my mother never received Jewelry)

On 6-15-06 plaintiff appeared before I.C.C., that Committee extended 60 days for investigation into Conspiracy to introduce a Controlled Substance within an institution. At that time I informed I.C.C. that me nor my brother had drugs in our Cell, and that I am saying now that: One of those officers put drugs in our Cell. I.C.C. asked what proof do you have.. we are awaiting the Lab results.

On and about 7-17-06 plaintiff received RVR and other documents regarding this Case, at that time I requested postponement pending outcome of referral for prosecution.. Signed and dated on 7-19-06. I requested investigative Employee Signed and dated 7-19-06. I also requested all officers for witnesses.

On 7-22-06 I.E. R. Basso arrived to my Ad-Seq Cell asking do we reject him being our I.E. and did we have any questions ready. I personally informed I.E. R. Basso that: I dont have any statements ready at this time, and based on I have postpone this Case your job is for you to wait for D.A., I.E. R. Basso left.

On 7-23-06 plaintiff filed a COC 602 with inmate Complaint from directly to the Warden Mike Evans. In that 602 I written that: Sgt Nilsson instructed a Raid of Cell C7-108 that me and my brother was assigned to. I requested an interview and a full investigation in to this matter. the Warden office rejected my 602 Complaint, that was also an Emergency Appeal.

On 8-1-06 plaintiff filed COC 602 and Complaint form directly to the Ombudsman office. addressing that: I was forced out of my Cell by officers with OC, pepper Spray, placed in Ad-Seq for Conspiracy to introduce a Controlled Substance within an institution, that officers placed drugs inside my Cell, and that I have filed an Emergency Appeal to the Warden office but no one have yet responded. Noted: on 8-12-06 I was briefly interviewed by Ombudsman personnel... who stated that he can't

Additional Sheet 3A of page two

touch this 602 Complaint, based on you are suggesting that officers put drugs into your cell. I Said Yes. he said you don't have no proof. after he asked the Ad-seq officer to take me back to my cell. I Said Sir I don't know your name. Can you write it on this envelope (and he did).

On 8-17-06 plaintiff appeared before I.C.C. in which Committee released from PSU back to C-facility, the Committee stated: there are no investigation into this matter, you are approved to go back and take care of your brother, me and my brother was released the same day.

On 8-29-06, I appeared before UCC, in which UCC released me and my brother from Orientation Status, and joking saying: Don't have no more drugs in your cell, and the Committee laughed.

On and about 8-30-06 or 9-3-06 another officers who job were passing RVR to inmates the year of 2006 on C-yard - who signed a lot of our documents, brought I.E. report to my assigned cell C7-106. I made an attempt to question where is my I.E.R. Bassco, because my case was postpone. Mr. R. Bassco did not have the authority to question witnesses, he never had our questions, the officer said: I don't know I was told to give you both those report, then he walked off.

On 12-8-06 plaintiff attended 115 hearing. SHO ask was I ready to proceed. I stated No because Violation with I.E. based on my RVR was postpone. I.E. Bassco should not have question anyone with my question(s), this matter should have begin right after DA rejected on 11-9-06. I inform S.H.O. E. Moore I still have not received all photos in this crime. I wanted witnesses at the hearing. S.H.O. E. Moore said you didn't want only witnesses. I have five photo's, and that I.E.R. Bassco did his report. So plaintiff informed S.H.O I do not wish to attend this hearing. S.H.O. Ordered me to remain seated. I again told S.H.O. that he can't make me attend this hearing. S.H.O. Said if I get out of my seat again I will be O.C. sprayed. So to get out of that situation, I told Sat. Lutes, % Culver % Dukes, % Puckett and S.H.O. that my legal papers are in my cell. S.H.O. Stated go get them and return back here. I return to my cell and then refused to come out. the above officers named arrived to my cell saying Come out, then the LT. E. Moore said I'm ordering you to come back to this hearing. I Said No. about three minutes later S.H.O. officer said you moving role up stuff up (and I moved).

Additional Sheet 3A of page three.

On 12-7-06 plaintiff filed an inmate appeal 602 on S.H.D. E. Moore for his Conduct, and Violations) within that hearing. The Staff Complaint was rejected.. and their Comments were I'm Claims Lt. moore threatened him during his hearing. I'm Claims this was done in front of unnamed officers. (when my 602 clearly states each officers name who was present).

On 12-11-06 CC-11 Eloy Medina sent plaintiff a Screen cut asking: what was said? what was the threat? I explain that he threaten with o.c. pepper spray if I didn't complete the HHS hearing.

On 1-25-07 CC-11 E. medina Sent me another Screen cut stating I need to attach a Complete final Copy. Noted: plaintiff had already did that in this same 602. So I attached Everything again.

On 1-31-07 plaintiff made another attempt to have his Case reviewed. E. Medina Sent another screen cut form Stating: Allegations of staff misconduct must be separate from RVR appeals. Also Stating: You refused to attend hearing, you are attempting to present defense to charges in your appeal. The purpose of Appeals process is not to reheat RVR. Dated 2-1-07.

On 2-27-07 plaintiff filed another 602 based on E. Medina cc-11 informing that I had to re-write 602. So I Amended Appeal. CC-11 E. Medina Screened out 602 saying 4-18-07 time Constraints not met, but screen cut form is dated 3-27-07.

On 3-26-07 plaintiff then filed a "Letter of Complaint" Regarding I've made many attempts to have 602's process, EXCESSIVE force use.. No Decent examination and medical treatment in a timely matter. False reports written by all staff, especially by #6 T-Sheets which says positive methamphetamine, and positive Amphetamine that was tested by R. Salas Security Squad officer #5, the lab result came back Cocaine, the Complaint Continued % Baso falsified I.E. report. S.H.D. Lt. Moore violated my right to have a fair hearing, the missing property. E. MEDINA Screening out 602 etc..

On 4-3-07 Lt. E. Moore placed me in Ad-Seg for Safety Concerns due to my Letter of Complaint to the Warden. Plaintiff then filed an appeal on Lt. E. Moore for Retaliation. E. Medina CC-11 Screen cut 602 saying need to write in ink. On 4-22-07 plaintiff filed 602 in ink, first level denied, Second level partially Granted, third level Denied.

On 11-25-07 plaintiff was Cut in the upper back, Noted: that Icc placed plaintiff on D-yard on 4-12-07 do to my Complaint to the Warden. plaintiff Came out of Ad-Seg on Feb 2, 2008 placed back on D-Yard Only.

Date 3-19-08

Celie Struggs
Edric Struggs

Status Claim for Each Defendant(s)
Continuation of 3A page 3.

- (1) Mike Evans (Warden) failure to investigate 602 and Complaint in this case. Dollar amount 100,000.
- (2) M. Thomas (Obudsmen) failure to investigate 602 and Complaint. Dollar amount 100,000.
- (3) E. Ponder (Captain) for assisting in locking plaintiff up in Ad-Sec, not investigation. Dollar amount 103,000.
- (4) J. Stevenson (LT) for his lack of investigation and false report. Dollar amount 10,000.
- (5) E. Moore (LT) Not Conducting RVR hearing in the manner that's required by law. His threats for plaintiff to attend hearing, his retaliation and removing plaintiff from C-yard for filing Letter of Complaint to Warden. Dollar amount 200,000.
- (6) J. Delaya (LT) for agreeing with Lt. E. Moore and answer 602 on Lt. E. Moore retaliation Complaint Dollar amount 50,000.
- (7) M. Nillson (Sgt) for ordering a raid upon my cell. Excessive force with O.C. pepper Spray, Retaliation from lack of investigation into 602 regarding withholding out going mail for over two months, false reports written, assisting in putting drugs in my cell. Dollar amount 100,00.
- (8) J. Rodriguez (%) for false reports written. No decontamination, thief of Jewelry. Dollar amount 10,000.
- (9) R. Reynoso (%) for false report written. No decontamination. Dollar amount 5,000.
- (10) T. Wolf (%) false reports written. Excessive force with O.C. spray. No decontamination. Dollar amount 10,000.
- (11) E. Camarrena (%) false reports. No decontamination. thief of Jewelry. Dollar amount 5,000.
- (12) O. Reunoso (%) false reports. Dollar amount 5,000.
- (13) T. Sheets (%) false reports written, assisting Sgt M. Nillson with putting drugs in my cell. Dollar amount 50,000.
- (14) H. Sanchez (LVN) false reports lack of medical attention. Dollar amount 2,000.
- (15) E. Medina (cc-11) Not processing 602 and Complaints. Dollar amount 70,000.
- (16) R. Russo %. I.E. false reports. Dollar amount 30,000.

Date 3-19-08

Cedric Struggs
Cedric Struggs

1 by COC, award monetary Damages, demote
2 Six other officer(s). (Also see State report.)
3
4

5 I declare under penalty of perjury that the foregoing is true and correct.
6
7

Signed this 19 day of March, 2008

Cecil Sturges

10 (Plaintiff's signature)
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26
27
28

Cedric Stover C-28615
P.O. Box 1050 D7-116
Soledad, Cal. 93960-1050
Salinas Valley State Prison



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MAR 18 2008

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